been contemporaneously or currently used for smoking or otherwise consuming prepared opium.

By "contemporaneous" I do not mean to impose a rigid time qualification. Evidence of very recent use would, no doubt, be sufficient but it is, in my opinion, in which the learned Solicitor General concurs, not sufficient for the prosecution to adduce evidence from which the most that could be inferred is that the place in question may once upon a time have been used, or may be intended in the future to be used, for smoking opium.

As was indicated at the close of the hearing the appeals must be allowed and the convictions set aside.

Appeals allowed.

Solicitors: *Lee & Lee; Osborne-Jones & Co.; Allen & Gledhill.*

Re BAKAR BIN AHMAD

[R. Cr. J. (Rigby J.) July 18, 1959]

[Penang — Criminal Revision No. 12 of 1959]

Criminal Law and Procedure—Police supervision — Imposition of — Particulars of previous convictions — Production of.

Penal Code s.354 — Indecent assault — Whether imposition of police supervision justified.

The power to impose Police supervision is a measure that should be resorted to sparingly by Magistrates and then only in the most appropriate cases. Its sole object and only justification is to ensure that in the interests of public security the Police are in a position to exercise some measure of control over the movements and activities of persons of known bad character — such as burglars, pickpockets and common thieves who habitually and consistently lead a life of criminal dishonesty. It should therefore not be imposed by way of an additional punishment. The imposition of Police supervision and the consequent difficulties and restraint it puts upon the prisoner after his release does more harm than good.

Particulars of previous convictions should be produced by the prosecution and — after they have been specifically put to and admitted or denied, as the case may be, by the accused — either be attached to the Magistrate's record, or he should himself take down upon his record of the case the full particulars thereof. Such details are necessary in the event of the case being required by the High Court.

In this case the accused was convicted of indecent assault under section 354 of the Penal Code, the facts accepted by the Magistrate being that the accused accosted a woman in or near a durian plantation and attempted to embrace her. He was sentenced to 6 weeks' imprisonment followed by Police supervision. On revision the order for Police supervision was set aside on the ground that neither the facts of the case nor the past record of the accused justified the order.

REVISION IN CHAMBERS.

Parties absent.

Rigby J.: The accused in this case was convicted of indecent assault under section 354 of the Penal Code.

The facts, as accepted by the Magistrate, were that the accused accosted a woman in or near a durian plantation and attempted to embrace her.

The Magistrate sentenced him to six weeks' imprisonment. Under section 12(6) of the Criminal Procedure Code the Magistrate further directed that upon the expiration of his sentence the accused be subjected to police supervision for a period of three months.

The accused, a Malay aged 27, had three previous convictions over a period of, I understand, the last five years for offences as varied as housebreaking and theft (in respect of which, I further understand, he was bound over), defacing an identity card and house trespass.

In my view, neither the facts of this case nor the past record of the accused justified the order for police supervision.

Police supervision should not be imposed by way of an additional punishment. Its sole object and only justification, as I understand it, is to ensure that in the interests of public security the Police are in a position to exercise some measure of control over the movements and activities of persons of known bad character — such as burglars, pickpockets and common thieves — who habitually and consistently lead a life of criminal dishonesty.

There are many Judges, Magistrates and Prison Officers of long experience who consider the imposition of police supervision and the consequent difficulties and restraint it puts upon the prisoner after his release — including, unfortunately, in many cases the undoubted difficulty a prisoner subject to police supervision may well encounter in his genuine efforts to secure and, of more importance, to maintain regular employment — does more harm than good.

In my view, the power to impose police supervision is a measure that should be sparingly resorted to by Magistrates and then only in the most appropriate cases.

The order for police supervision in this case is accordingly set aside.

I observe from the record in this case that after the Magistrate had convicted the accused the Prosecuting Officer informed the Court that the accused had three previous convictions and the record states that the accused admitted those previous convictions. No particulars of the previous convictions are, however, attached to the record of the case. Either a copy of the particulars of the previous convictions should be produced by the prosecution and — after they have been specifically put to and admitted or denied, as the case may be, by the accused — attached to the Magistrate's record, or the learned Magistrate should himself take down upon his record of the case the full particulars of the previous convictions. Such details are obviously necessary in the event of the case being required, as in this instance, by the High Court.

Order accordingly.